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EXAMINER	
PHAM, KHANH B	
ART UNIT	**PAPER NUMBER**
2166	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,060	JOSEPH, ANISH PULIKOTTIL	
	Examiner	Art Unit	
	Khanh B. Pham	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-8,11-15,18-21,23-28,30 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-8,11-15,18-21,23-28,30 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **1-2, 5-8, 11-15, 18-21, 23-28, 30, 32** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02.

Claims 1-2, 5-8, 11-15, 18-21, 23-28, 30, and 32 are directed to nothing more than abstract ideas and therefore not patentable. "A principle, in the abstract, is a fundamental truth; an original cause; a motive; these cannot be patented, as no one can claim in either of them au exclusive right." Le Roy, 55 U.S. (14 How.) at 175. In evaluating whether the claims meet the requirement of section 101, the examiner considers the claims as a whole to determine whether it is for a particular application of an abstract idea, rather than for the abstract idea itself, which can be identified in various ways as follows:

a. Claimed invention "transforms" an article or physical object to a different state or thing."

In this case, the invention of claims 1-2, 5-8, 11-15, 18-21, 23 does not transform or reduce of an article or physical object to a different state or thing.

b. The claimed invention otherwise produces a useful, concrete and tangible result."

In determining whether the claims are for a "practical application," the focus is not on whether the steps are taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, concrete and tangible." The invention of claims 1-2, 5-8, 11-15, 18-21, 23 are directed to the method for managing event by inputting the event into an event engine; the engine manipulates the inputted event and then creates a new event as output. The outputted event however does not depend on the inputted event , it has no substantial practical application, and the result cannot be substantially repeatable, i.e., same input event may produce different output event. Claims 1-2, 5-8, 11-15, 18-21, 23 are therefore nonstatutory as being abstract idea which does not produce "useful, concrete and tangible result."

Claims 24-27 are also nonstatutory as being intangible embodied. Claims are directed to "a system", all of the elements of the system would reasonably be interpreted by one of ordinary skill in light of the disclosure as software (see claim 31), such that the system/apparatus is software, per se.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 28, 32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites "a computer system for executing the method of claim 21", the functional limitations of claim 28 are not defined because any computer system could be used for executing the method of claim 21. There are no elements, much less the necessary elements to accomplish the intended functionality of claim 28.

Claim 32 recites "software for executing the system of claim 24." It is unclear how the software can be used for executing a system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-2, 5-8, 11-15, 18-21, 23-28, 30, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan (US 6,832,341 B1), hereinafter "**Vijayah**", and in view of Marwaha (US 2004/0181685 A1), hereinafter "**Marwaha**".

As per claim 1, Vijayan teaches a method of managing events in a distributed computing system having an event engine including the steps of:

i. "providing one or more intelligent agents for receiving an event, and inputting an event into the engine" at Col. 4 lines 45-50 and Fig. 4, element 402, 404, 406;

ii. "the engine extracting a rule to be applied to the event from a rules database wherein identification information within the rule identifies the event" at Col. 4 line 66 to Col. 5 line 43;

iii. "the engine holding the event for the expiration of a specified interval" at Col. 7 lines 20-25 and Fig. 5, 510;

iv. "before the expiration of the specified interval, receiving a further event from an intelligent agent, inputting the further event into the engine" at Col. 7 lines 20-25;

v. "the engine identifying the further event using identification information within the rule" at Col. 6 line 62 to Col. 7 line 20 ;

vi. "the engine creating and outputting a new event" at Col. 5 lines 30-43;

vii. "inputting the new event into the engine" at Col. 5 lines 45-55; and

viii. "the engine extracting a second rule to be applied to the new event from a rules database wherein identification information within the second rule identifies the new event" at Col. 4 line 66 to Col. 5 line 43.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage,

process and handle alerts" at [0041] and suggests the step of converting events into a standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 2, Vijayan and Marwaha teach the method as claimed in claim 1 discussed above. Vijayan also teaches: "the event and the further event originate from any of a set of a network, an application, an operating system residing on the distributed computing system, and hardware" at Col. 4 lines 43-49.

As per claim 5, Vijayan and Marwaha teach the method as claimed in claim 1 discussed above. Vijayan also teaches: "wherein the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Fig. 7.

As per claim 6, Vijayan and Marwaha teach the method as claimed in claim 5 discussed above. Vijayan also teaches: "wherein the specified interval is time" at Col. 5 lines 14-30.

As per claim 7, Vijayan teaches a method of managing different types of events in a distributed computing system, having an event engine including the steps of:

i. "providing one or more intelligent agents configured for receiving an event, and inputting an event into the engine" at Col. 4 lines 45-50 and Fig. 4;

ii. "the engine extracting a rule to be applied to the event from a rules database wherein identification information within the rule identifies the event" Col. 4 line 66 to Col. 5 line 43;

iii. "the engine creating and outputting a new event" at Col. 5 lines 30-44;

iv. "inputting the new event into the engine" at Col. 5 lines 45-55;

v. "the engine extracting a second rule to be applied to the new event from the rules database wherein identification information within the second rule identifies the new event" at Col. 4 line 66 to Col. 5 line 43;

vi. "the engine holding the new event for the expiration of a specified interval" at Col. 7 lines 35-44;

vii. "before the expiration of the specified interval, receiving a further event from an intelligent agent, and inputting the further event into the engine" at Col. 7 lines 35-44;

viii. "the engine identifying the further event using identification information within the second rule" at Col. 4 line 66 to Col. 5 line 43 ; and

ix. "the engine creating and outputting a further new event" at col. 7 lines 35-55.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage, process and handle alerts" at [0041] and suggests the step of converting events into a standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's

teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 8, Vijayan and Marwaha teach the method as claimed in claim 7 discussed above. Vijayan also teaches: "wherein the event and the further event originate from any of a set of a network, an application, an operating system, and hardware" at Col. 4 lines 43-49.

As per claim 11, Vijayan and Marwaha teach the method as claimed in claim 8 discussed above. Vijayan also teaches: "wherein the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Figs. 7-8.

As per claim 12, Vijayan and Marwaha teach the method as claimed in claim 11 discussed above. Vijayan also teaches: "wherein the specified interval is time" at Col. 5 lines 15-30.

As per claim 13, Vijayan and Marwaha teach the method as claimed in claim 12 discussed above. Vijayan also teaches: "wherein the outputted further event is received by a user console" at Col. 7 lines 50-55.

As per claim 14, Vijayan teaches a method of managing different types of events in a distributed computing system using a management server, having an event engine including the steps of:

i. "providing one or more intelligent agents for receiving an event, and inputting an event into the engine" at Col. 4 lines 45-50 and Fig. 4;

ii. "the engine extracting a first rule to be applied to the event from a rules database wherein identification information within the first rule identifies the event" at Col. 6 line 50 to Col. 7 line 19;

iii. "the engine holding the event for the expiration of a specified interval" at Col. 7 lines 20-26 and Fig. 5, element 510;

iv. "before the expiration of the specified interval, receiving a further event from an intelligent agent, and inputting the further event into the event engine" at Col. 7 lines 20-26;

v. "the engine extracting a second rule to be applied to the further event from the rules database wherein identification information within the second rule identifies the further event" Col. 6 line 50 to Col. 7 line 19;

vi. "the engine creating and outputting a new event" at Col. 7 lines 20-44;

vii. "before the expiration of the specified interval inputting the new event into the engine" at Col. 5 lines 44-55;

viii. "the engine identifying the new event using identification information within the first rule" at Col. 6 line 50 to Col. 7 line 19; and

ix. "the engine creating and outputting a further new event" at Col. 7 lines 44-55.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage, process and handle alerts" at [0041] and suggests the step of converting events into a

standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 15, Vijayan and Marwaha teach the method as claimed in claim 14 discussed above. Vijayan also teaches: "wherein the event and the further event originate from any of the set of a network, an application, an operating system, and hardware" at Col. 4 lines 43-49.

As per claim 18, Vijayan and Marwaha teach the method as claimed in claim 15 discussed above. Vijayan also teaches: "wherein the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Figs. 7-8.

As per claim 19, Vijayan and Marwaha teach the method as claimed in claim 18 discussed above. Vijayan also teaches: "wherein the specified interval is time" at Col. 7 lines 20-26.

As per claim 20, Vijayan and Marwaha teach the method a claimed in claim 19 discussed above. Vijayan also teaches: "wherein the outputted further event is received by a user console" at Col. 7 lines 50-55.

As per claim 21, Vijayan teaches a method of managing different type of events in a distributed computing system including the steps of:

i. "receiving an event" at Col. 4 lines 43-49;

ii. "extracting a rule to be applied to the event from a rules database wherein identification information within the rule identifies the event" at Col. 4 line 66 to Col. 5 line 29;

iii. "when specified within the rule performing one of: a) creating a new event; or b) holding the event; wherein during the method at least one rule specifies performance of step (a) and at least one rule specifies performance of step (b)" at Col. 5; and

iv. "repeating steps (i) to (iii) at least once"; wherein at least one received event in step i. is a new event created in step (iii) (a) at Cols. 5-7.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage, process and handle alerts" at [0041] and suggests the step of converting events into a standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 23, Vijayan teaches a method of managing different type of events in a distributed computing system including the steps of:

i. processing an event by: a) receiving the event; b) extracting one or more rules which match the event from a rules database; c) discarding the event if at least one of the

rules specifies that the event is to be discarded; d) holding the event if at least one of the rules specifies that the event is to be held for a period of time; e) altering the event or creating a new event if at least one of the rules specifies that the event is to be altered or a new event created; and f) outputting the event if all rules specify that the event is to be outputted; wherein if the event is discarded then neither of steps (d) and (e) will proceed at Cols. 4-7;

ii. "holding the event for the longest period of time specified by the rules if the event is specified to be held" at Col. 7 lines 20-25; and

iii. repeating step (i) if the event was held in step (ii) at Cols. 5-7.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage, process and handle alerts" at [0041] and suggests the step of converting events into a standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 24, Vijayan teaches a system for managing different type of events in a distributed computing system including:

i. "a plurality of event agents adapted to receive data from a source, to create an event from the data and to transmit the event to a central event system" at Fig. 4, 402, 404, 406, 420; and

ii. "a central event system (Fig. 4, 430) including:

a) a rules database (Fig. 4, 422) adapted to store a plurality of rules, each rule including:

I. identification information specifying to which events the rule relates; and

II. an action wherein the action is one of outputting the event, discarding the event, holding the event, or creating a new event; wherein, where the action is holding the event the rule further includes: I. a condition; and II. a further action wherein the further action is one of outputting the event, discarding the event, holding the event, creating a new event, or creating a new event and transmitting the new event back into the processing engine" at Cols. 5-7; and

b) a processing engine adapted to receive events, to extract rules from the rules database, to identify which rules apply to the events using the identification information within the rule, to perform the action specified within the applicable rules, and to perform the further action specified within the applicable rules when the corresponding condition is satisfied" at Cols. 4-7.

Vijayan does not explicitly teach the step of "converting the event into a standard format". However, Marwaha teaches a similar system for managing events in a distribute system (See Fig. 3.) Marwaha recognizes the problem of having multiple event formats as "it becomes more and more difficult for the operators to manage,

process and handle alerts" at [0041] and suggests the step of converting events into a standard format at page 6, [0061]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Marwaha with Vijayan's teachings to make it easier to manage, process and handle different format events as suggested by Marwaha.

As per claim 25, Vijayan and Marwaha teach a system as claimed in claim 24 discussed above. Vijayah also teaches: "one or more user consoles adapted to receive one or more of the events outputted by the central event system" at Fig. 4, 418.

As per claim 26, Vijayan and Marwaha teach the system as claimed in claim 25 discussed above. Vijayan also teaches: "wherein the source is any one of a set of a database, an application, an operating system, and hardware" at Col. 4 lines 43-49.

As per claim 27, Vijayan and Marwaha teaches a system as claimed in claim 26 discussed above. Vijayan also teaches: "wherein the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Figs. 7-8.

Claims 28, 30, 32 recite computer system, storage media for executing the method and system of claims 21, 24 and therefore rejected by the same reasons discussed above.

Response to Arguments

6. Applicant's arguments with respect to claims **1-2, 5-8, 11-15, 18-21, 23-28, 30, and 32** have been considered but are moot in view of the new ground(s) of rejection.

7. Regarding the 35 U.S.C 101 rejection, applicant argued that the claimed invention provide practical application which result in a particular useful, concrete and tangible result. The examiner respectfully disagrees. In determining whether the claims are for a "practical application," the focus is not on whether the steps are taken to achieve a particular result are useful, tangible and concrete, but rather that the **final result achieved by the claimed invention is "useful, concrete and tangible."** It is unclear what the final result of the claimed invention is. The invention of claims 1-2, 5-8, 11-15, 18-21, 23 are directed to the method for managing event by inputting the event into an event engine; the engine manipulates the inputted event and then creates a new event as output. The outputted event however does not depend on the inputted event, it has no substantial practical application, and the result cannot be substantially repeatable, i.e., same input event may produce different output event. Claims 1-2, 5-8, 11-15, 18-21, 23 are therefore nonstatutory as being abstract idea which does not produce "useful, concrete and tangible result."

Claims 24-27 are also nonstatutory as being intangibly embodied. Claims are directed to "a system", all of the elements of the system would reasonably be interpreted by one of ordinary skill in light of the disclosure as software (see claim 31), such that the system/apparatus is software, per se.

Claim 28 recites "a computer system" in the preamble; however, the statutory category of the invention is unclear. It's clearly not a process or composition of matter, and to be a machine or manufacture, it would have to have some sort of physical article or object recited as part of the system.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Examiner
Art Unit 2166

August 2, 2006